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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/186,302 11/04/98 SHAH-NAZAROFF

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EXAMINER

WM02/0411

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ART UNIT

PAPER NUMBER

2611

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/186,302

Applicant(s)
SHAH-NAZAROFF et al.

Examiner
Christopher Grant

Group Art Unit
2611



☒ Responsive to communication(s) filed on Jan 29, 2001

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 29-77 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 29, 30, 33-37, 39, 41-43, 45, 47, 48, 50-52, 55, 56, 58-60, 63, 64, 66-68, 69, 70, 71, 73-75, 77 are rejected.

☒ Claim(s) 31, 32, 38, 40, 44, 46, 49, 53, 54, 57, 61, 62, 65, 69, 72, and 76 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ ~~Notice of Draftsperson's Patent Drawing Review, PTO-948~~

☐ Notice of Informal Patent Application, PTO-152

CHRIS GRANT
PRIMARY EXAMINER

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 29, 30, 33, 35-37, 39, 41, 43, 48, 50, 52, 56, 60, 64, 68, 70, 71 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lett and Herz 5758257 (of record).

Considering claims 29, 48, 60 and 64, Lett discloses a method and corresponding apparatus or machine-readable storage medium comprising:

- a) presenting a broadcast to a viewer (col. 19, lines 24-29 and 45-51);
- b) receiving a viewer feedback to the broadcast (see the entire reference including but not limited to col. 19, lines 30-37, 50-59 and steps 240-260 & 310 - figures 4A-4B);
- c) generating a summary or result of the broadcast based at least in part of viewer (s) feedback..(col. 19, lines 38-45, 60-67 and steps 330 - figure 4A-4B)
- d) providing the summary or result of the broadcast to potential subsequent viewers.

Although Lett discloses providing questions or surveys to viewers about a broadcast program and generating a summary of the viewers' responses to the surveys, he fails to specifically disclose generating a rating of the broadcast as recited in the claims.

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However, Herz 575' discloses generating a rating of a first broadcast based on viewer(s) feedback to the first broadcast. The rating indicates a likelihood of interest in the first broadcast for potential subsequent viewers (see the entire reference including but not limited to col. 14, line 10 - col. 15, line 33, col. 29, line 52 - col. 30, line 40, col. 34, line 11 - col. 38, line 55 and col. 41, line 57 - col. 42, line 11). Herz 575' teaches rating a broadcast by using questionnaires, surveys and the viewers characteristics to determine which programs are liked or disliked by viewers.

It would have been obvious to one of ordinary skill in the art to modify Lett's system to include generating a rating of the broadcast, as taught by Herz 575', for the advantage of providing the attractiveness (like or dislike) of a program to viewers.

Claim 30 is met by the combined systems of Lett and Herz 575, wherein Herz discloses providing viewer feedback after a broadcast in col. 3, lines 34-45.

Claims 33 and 50 are met by the combined systems of Lett and Herz 575' because the rating of a program involves specific questions and/or characteristics related to the program. Furthermore, Herz 575' reveals that feedback information (answers to questions) is related to the video program in col. 4, lines 45-51.

Claim 35 is met by the combined systems of Lett and Herz 575', wherein Lett discloses a program guide server (42) in columns 6-7.

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Claims 36 and 52 are met by the combined systems of Lett and Herz 575', wherein Herz 575' discloses receiving characteristics, preferences or profiles of viewers along with viewer feedback throughout the reference including but not limited to col. 4, lines 32-58 and col. 13, line 29 - col. 15, line 20.

Claim 37 is met by the combined systems of Lett and Herz 575', wherein Herz 575' discloses storing characteristic information (904) in a system controller (figure 9) of a viewer entertainment system. See also col. 25, lines 7-15.

Claim 39 is met by the combined systems of Lett and Herz 575', since the rating of any broadcast program includes positive and negative comments.

Claim 41 is met by the combined systems of Lett and Herz 575', since the programming providers receive the feedback information (i.e. answers to questions, ratings).

Claims 43 and 56 are met by the combined systems of Lett and Herz 575', since the feedback results are continually being summarized or correlated (i.e. updated) as each viewer feedback is received.

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Considering claims 68 and 74, Lett discloses an entertainment system controller and corresponding server comprising:

- a) storage medium to store questionnaire....(col. 14, lines 20-37 and col. 16, lines 28-33);
 - b) control circuitry to provide feedback questionnaire to the viewer.. (control circuitry 132, col. 16, lines 33-35);
 - c) viewer interface...(circuits and devices 120-126, 128, 148; col. 19, lines 30-37, 50-59 and steps 240-260 & 310 - figures 4A-4B);
 - d) communication interface...(col. 14. lines 37-67).
- to col. 19, lines 30-37, 50-59 and steps 240-260 & 310 - figures 4A-4B);

Lett fails to disclose a communication interface that receives ratings from the server and a control circuit that provides the ratings to the viewer as recited in the claims.

However, Herz 575' discloses a communication interface (figures 9 or 10) that receives ratings from a server and a control circuitry (914,906; or 1006,1104) that provides the ratings to the viewer (col. 4, lines 40-58, col. 11, lines 45-52, col. 46, lines 24-42). The rating indicates a likelihood of interest a first broadcast for potential subsequent viewers (see the entire reference including but not limited to col. 14, line 10 - col. 15, line 33, col. 29, line 52 - col. 30, line 40, col. 34, line 11- col. 38, line 55 and col. 41, line 57 - col. 42, line 11). Herz 575' teaches rating a broadcast by using questionnaires, surveys and the viewers characteristics to determine which programs are liked or disliked by viewers.

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It would have been obvious to one of ordinary skill in the art to modify Lett's system to include a communication interface that receives ratings from a server and a control circuit that provides the ratings to the viewer, as taught by Herz, for the typical advantage of providing the attractiveness (like or dislike) and/or content of a program to viewers.

Claim 70 is met by the combined systems of Lett and Herz 575', since Lett discloses that the communication interface includes various networks throughout the entire reference including but not limited to col. 14, lines 46-67.

Claim 71 is met by the combined systems of Lett and Herz 575', wherein Herz 575' discloses receiving characteristics, preferences or profiles of viewers along with viewer feedback throughout the reference including but not limited to col. 4, lines 32-58 and col. 13, line 29- col. 15, line 20.

3. Claims 34 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lett and Herz 575' and further in view of Logan et al. (Logan).

Considering claims 34 and 51, Lett and Herz 575' fail to specifically disclose offering incentives to the viewer to encourage the viewer to provide viewer feedback as recited in the claim.

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In another communication system, Logan discloses the typical feature of offering incentives to the user to encouraging the user to provide feedback about a program. See col. 42, lines 45-47.

Therefore, it would have been obvious to modify the combined systems of Lett and Herz 575' to include offering incentives to viewers because it is a typical business practice to encourage people to complete surveys/questionnaires so that a business can obtain useful information about a program, product or service.

4. Claims 45, 47, 58-59, 63, 67, 73 and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lett and Herz 575' and further in view of Barrett et al. (Barrett).

Considering claims 45, 47, 58-59, 63, 67, 73 and 77, the combined systems of Lett and Herz 575' fail to specifically disclose presenting a program guide of available broadcast to a viewer wherein the available broadcast are ranked based on viewer characteristics information as recited in the claims.

Barret discloses a method and apparatus for presenting a program guide of available broadcast to a viewer wherein the available broadcast are ranked based on viewer characteristics information for the advantage of providing the viewer with a quick and convenient way to select a program desired by the viewer. This systems provides a redacted listing of broadcast programs based on the viewer characteristics to facilitate quick program selection instead of selecting from a full cumbersome program listing. See col. 2, lines 9-43 and col. 7, lines 50-57.

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Therefore, it would have been obvious to modify the combined systems of Lett and Herz 575' to include presenting a program guide of available broadcast to a viewer wherein the available broadcast are ranked based on viewer characteristics information, as taught by Barrett, for the advantage of providing the viewer with a quick and convenient way to select a program desired by the viewer.

5. Claims 42, 55, 66 and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lett and Herz 575' and further in view of Rector, Jr. et al. (Rector).

Considering claims 42, 55, 66 and 75, the combined systems of Lett and Herz 575' disclose providing broadcast program and content profile (inclusive of ratings; see Herz 575' at col. 4, lines 40-58, col. 11, lines 45-52, col. 46, lines 24-42). However, they fail to specifically disclose providing program guide associated with a rating as recited in the claims.

Rector discloses a method and apparatus for providing a program guide associated with rating for the advantage of conveniently providing information about programs to guide the viewer in selecting programs. See columns 1-2 and column 4, lines 2-9.

Therefore, it would have been obvious to modify the combined systems of Lett and Herz 575' to include providing program guide associated with a rating, as taught by Rector, for the advantage of conveniently providing information about programs to guide the viewer in selecting programs.

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Allowable Subject Matter

6. Claims 31-32, 38, 40, 44, 46, 49, 53-54, 57, 61-62, 65, 69, 72 and 76 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments with respect to the new claims have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Conclusion

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-6306 or (703) 308-6296 (for formal communications intended for entry and for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Grant whose telephone number is (703) 305-4755. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305 3900.



Christopher Grant
Primary Examiner
April 6, 2001